

Mark Steven Villegas  
 PLAINTIFF/PETITIONER/MOVANT'S NAME  
 V50853  
 PRISON NUMBER

RJ Donovan State Prison  
 PLACE OF CONFINEMENT  
 RJ Donovan State Prison

ADDRESS

2254	1983
FILING FEE PAID	
Yes	No
HFP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	ProSe

FILED

2007 OCT 19 PM 3:06

CLERK US DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

United States District Court  
 Southern District Of California

Mark Steven Villegas

Plaintiff/Petitioner/Movant

v.

Edmond G. Brown, Jr.

Defendant/Respondent

Civil No. '07CV 2035BTM BLM

(TO BE FILLED IN BY U.S. DISTRICT COURT CLERK)

**MOTION AND DECLARATION UNDER  
 PENALTY OF PERJURY IN SUPPORT  
 OF MOTION TO PROCEED IN FORMA  
PAUPERIS**

I, Mark Steven Villegas

declare that I am the Plaintiff/Petitioner/Movant in this case. In support of my request to proceed without prepayment of fees or security under 28 U.S.C. § 1915, I further declare I am unable to pay the fees of this proceeding or give security because of my poverty, and that I believe I am entitled to redress.

**In further support of this application, I answer the following question under penalty of perjury:**

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No" go to question 2)

If "Yes," state the place of your incarceration R.J. Donovan state prison

Are you employed at the institution? ☐ Yes ☒ No

Do you receive any payment from the institution? ☐ Yes ☒ No

[Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of the trust account statement from the institution of your incarceration showing at least the last six months transactions.]

2. Are you currently employed? ☐ Yes ☒ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

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b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

N/A

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3. In the past twelve months have you received any money from any of the following sources?:

- |   |                              |  |
|---|------------------------------|--|
| a. Business, profession or other self-employment  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, royalties interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance          | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation             | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Social Security, disability or other welfare   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances                          | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Spousal or child support                       | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| g. Any other sources                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes" describe each source and state the amount received and what you expect you will continue to receive each month.

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4. Do you have any checking account(s)? ☐ Yes ☒ No

a. Name(s) and address(es) of bank(s):

b. Present balance in account(s):

5. Do you have any savings/IRA/money market/CDS' separate from checking accounts? ☐ Yes ☒ No

a. Name(s) and address(es) of bank(s):

b. Present balance in account(s):

6. Do you own an automobile or other motor vehicle? ☐ Yes ☒ No

a. Make: Year: Model:

b. Is it financed? ☐ Yes ☐ No

c. If so, what is the amount owed?

7. Do you own any real estate, stocks, bonds, securities, other financial instruments, or other valuable property?

☐ Yes ☒ No

If "Yes" describe the property and state its value. \_\_\_\_\_

8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

N/A

9. List any other debts (current obligations, indicating amounts owed and to whom they are payable):

\$ 9,215.00 Restitution

10. List any other assets or items of value (specify real estate, gifts, trusts inheritances, government bonds, stocks, savings certificates, notes, jewelry, artwork, or any other assets [include any items of value held in someone else's name]):

N/A

11. If you answered all of the items in #3 "No," and have not indicated any other assets or sources of income anywhere on this form, you must explain the sources of funds for your day-to-day expenses.

N/A

**I declare under penalty of perjury that the above information is true and correct and understand that a false statement herein may result in the dismissal of my claims.**

DATE

Sept 17, 2007

SIGNATURE OF APPLICANT

Mark S. Villegas

If you are a **prisoner** you must have an officer from your institution provide this official certificate as to the amount of money in your prison account. There are no exceptions to this requirement.

**PRISON CERTIFICATE**  
**(Incarcerated applicants only)**  
 (To be completed by the institution of incarceration)

I certify that the applicant Mark Villegas  
 (NAME OF INMATE)

V50853  
 (INMATE'S CDC NUMBER)

has the sum of \$ 22.94 on account to his/her credit at

R.J. Donovan Correctional Facility  
 (NAME OF INSTITUTION)

I further certify that the applicant has the following securities NONE

to his/her credit according to the records of the aforementioned institution. I further certify that **during**

**the past six months** the applicant's *average monthly balance* was \$ 25.00

and the *average monthly deposits* to the applicant's account was \$ 22.00

ALL PRISONERS **MUST** ATTACH A CERTIFIED COPY OF THEIR TRUST ACCOUNT  
STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD  
IMMEDIATELY PRECEDING THE FILING OF THE COMPLAINT PER 28 U.S.C. § 1915(a)(2).

Oct 15, 2007  
 DATE

[Signature]  
 SIGNATURE OF AUTHORIZED OFFICER OF INSTITUTION

Ray Marrero  
 OFFICER'S FULL NAME (PRINTED)

Fac. Captain  
 OFFICER'S TITLE/RANK

**TRUST ACCOUNT WITHDRAWAL AUTHORIZATION**  
**(Incarcerated applicants only)**

(This form **MUST** be completed by the prisoner requesting to proceed in forma pauperis. An incomplete "Trust Account Withdrawal Authorization Form," or "Prison Certificate" will result in automatic denial of the prisoner's request to proceed in forma pauperis.)

I, Mark Villegas / V50853, request and authorize the agency holding me in  
(Name of Prisoner/ CDC No.)  
 custody to prepare for the Clerk of the United States District Court for the Southern District of California, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) activity at the institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust fund account (or institutional equivalent) pursuant to any future orders issued by the Court relating to this civil action pursuant to the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, Title VIII, §§ 801-10, 110 Stat. 1321 (1996).

This authorization is furnished in connection with a civil action filed in the Southern District of California, and I understand that, pursuant to 28 U.S.C. §§ 1914 and 1915(b)(1), the total amount of filing fees for which I am obligated is either ☐ \$350 (civil complaint) or ☒ \$5 (habeas corpus petition) (check one). I also understand that this fee will be debited from my account regardless of the outcome of this action. This authorization shall apply to any other agency into whose custody I may be transferred.

DATE  
Oct 15, 2007

Mark S. Villegas  
 SIGNATURE OF PRISONER

REPORT ID: TS3030

REPORT DATE: 07/03/07

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS  
 R.J.DONOVAN CORR. FACILITY  
 INMATE TRUST ACCOUNTING SYSTEM  
 INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: MAY 01, 2007 THRU JUL. 03, 2007

ACCOUNT NUMBER : V50853

BED/CELL NUMBER: F31400000000135U

ACCOUNT NAME : VILLEGAS, MARK STEVEN

ACCOUNT TYPE: I

PRIVILEGE GROUP: B

## TRUST ACCOUNT ACTIVITY

TRAN	DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
	05/01/2007		BEGINNING BALANCE					9.54
	05/02	DD30	CASH DEPOSIT	4565/POBOX		22.50		32.04
	05/15	FC03	DRAW-FAC 3	4792/F32ND			32.00	0.04
	06/05	DD30	CASH DEPOSIT	5206/POBOX		27.00		27.04
	06/12	FR01	CANTEEN RETUR	605335			32.00-	59.04
	06/12	FC03	DRAW-FAC 3	5342/F32ND			50.00	9.04

## \* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 09/10/04

CASE NUMBER: SCD177795

COUNTY CODE: SD

FINE AMOUNT: \$ 10,000.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
05/01/2007		BEGINNING BALANCE		9,325.00
05/02/07	DR30	REST DED-CASH DEPOSIT	25.00-	9,300.00
06/05/07	DR30	REST DED-CASH DEPOSIT	30.00-	9,270.00

\* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*

\* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. \*

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
9.54	49.50	50.00	9.04	0.00	0.00

CURRENT  
 AVAILABLE  
 BALANCE

9.04

REPORT ID: TS3030 .701

REPORT DATE: 09/04/07

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS  
 R.J.DONOVAN CORR. FACILITY  
 INMATE TRUST ACCOUNTING SYSTEM  
 INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: AUG. 01, 2007 THRU SEP. 04, 2007

ACCOUNT NUMBER : V50853                      BED/CELL NUMBER: F31400000000135U  
 ACCOUNT NAME : VILLEGAS, MARK STEVEN              ACCOUNT TYPE: I  
 PRIVILEGE GROUP: B

## TRUST ACCOUNT ACTIVITY

DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
08/01/2007		BEGINNING BALANCE					4.19
08/08*DD30		CASH DEPOSIT	0669/POBOX		27.00		31.19
08/14 FC03		DRAW-FAC 3	0760/F32ND			25.00	6.19

## \* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 09/10/04                      CASE NUMBER: SCD177795  
 COUNTY CODE: SD                      FINE AMOUNT: \$ 10,000.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
08/01/2007		BEGINNING BALANCE		9,245.00
08/08/07	DR30	REST DED-CASH DEPOSIT	30.00-	9,215.00

\* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*  
 \* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. \*

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
4.19	27.00	25.00	6.19	0.00	0.00

CURRENT  
 AVAILABLE  
 BALANCE  
 -----  
 6.19  
 -----  
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REPORT ID: TS3030 .701

REPORT DATE: 10/01/07

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CALIFORNIA DEPARTMENT OF CORRECTIONS  
 R.J.DONOVAN CORR. FACILITY  
 INMATE TRUST ACCOUNTING SYSTEM  
 INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: SEP. 01, 2007 THRU OCT. 01, 2007

ACCOUNT NUMBER : V50853                      BED/CELL NUMBER: F31400000000135U  
 ACCOUNT NAME : VILLEGAS, MARK STEVEN              ACCOUNT TYPE: I  
 PRIVILEGE GROUP: B

## TRUST ACCOUNT ACTIVITY

TRAN	DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
	09/01/2007		BEGINNING BALANCE					6.19
	09/06*DD30		CASH DEPOSIT	1206/POBOX		20.25		26.44
	09/13 FC03		DRAW-FAC 3	1357/F32ND			26.00	0.44
	09/14*DD30		CASH DEPOSIT	1375/POBOX		22.50		22.94

## \* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 09/10/04                      CASE NUMBER: SCD177795  
 COUNTY CODE: SD                      FINE AMOUNT: \$ 10,000.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
09/01/2007		BEGINNING BALANCE		9,215.00
09/06/07	DR30	REST DED-CASH DEPOSIT	22.50-	9,192.50
09/14/07	DR30	REST DED-CASH DEPOSIT	25.00-	9,167.50

\* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*  
 \* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. \*

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
6.19	42.75	26.00	22.94	0.00	0.00

CURRENT  
 AVAILABLE  
 BALANCE

22.94